

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**NOTICE OF VOLUNTARY DISMISSAL  
OF THIRD CAUSE OF ACTION**

WHEREAS, on November 3, 2022, Plaintiff Darren Gilbert (“Plaintiff”) filed a Complaint alleging three causes of action, namely (1) denial of full and equal enjoyment and use under the Americans with Disabilities Act, (2) violations of California’s Unruh Civil Rights Act, and (3) violations of the California Health & Safety Code;

WHEREAS, no defendant has filed an answer or motion for summary judgment;

WHEREAS, no counterclaim has been filed;

WHEREAS, the Court has granted Plaintiff's motion for default judgment and has awarded him injunctive relief, statutory damages, attorney's fees, and costs on his First and Second Causes of Action (Dkt. 12), such that Plaintiff has been awarded all of the relief he was seeking through this action;

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1 NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i),  
2 Plaintiff hereby dismisses with prejudice his Third Cause of Action for violation of California's  
3 Health & Safety Code.

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5 Date: October 12, 2022

MOORE LAW FIRM, P.C.

6 /s/ Tanya E. Moore

7 Tanya E. Moore  
8 Attorney for Plaintiff,  
9 Darren Gilbert  
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